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REMARKS

Upon receipt of this response, the Examiner is respectfully requested to contact the undersigned representative of the Applicant to arrange a telephone interview concerning the inventive merits of this application.

The title of the invention is amended to be clearly indicative of the invention to which the claims are directed. If further amendment to the title is believed necessary, the Applicant looks forward to any additional amendment the Examiner may care to make concerning the same.

Paragraph [011] of the specification is amended to overcome some informalities noted in the specification on file. The undersigned avers that amended paragraph [011] of the specification does not contain any new subject matter.

Claim 6 is objected to for the reasons noted in the official action. The above requested claim amendments are believed to overcome all of the raised informalities concerning the claims. If any further amendment to the claims is believed necessary, the Examiner is invited to contact the undersigned representative of the Applicant to discuss the same.

Next, claims 6 and 8 are rejected, under 35 U.S.C. § 102(b), as being anticipated in view of Wagner et al. DE 196 53 171 A (hereinafter Wagner `171) while claim 7 is rejected, under 35 U.S.C. § 103(a), as being unpatentable in view of Wagner `171. The Applicant acknowledges and respectfully traverses the raised anticipatory and obviousness rejections in view of the above amendments and the following remarks.

An English abstract for Wagner `171 is not available, however, from the publication of a corresponding document, namely, EP 08 49 506, the Applicant learned that Wagner `171 relates to an "arrangement for providing selection feel in a multi-ratio gearbox". This arrangement consists of a rocker 20 which is attached to a shaft 19. The rocker 20 includes a disk 23 which, as shown in the Figs. 2 and 5, simultaneously communicates with at least two of three pivotable levers 24, 25 and 26, which pivot about either pivot points 29 and 43.

Fig. 3 of Wagner `171 shows a portion of the arrangement, namely, the first lever 24, that is coupled to a spring 42, biasing the lever 24 to communicate with a roller 23 and pivot about pivot point 43. The rocker 20 and the lever 24 are used when engaging the "Rückwärtsgang" (see column 2, lines 33-34 and column 3, lines 64-65) or reverse gear (DeVries, Dr. Louis. *German-English Technical and Engineering Dictionary*, pg. 837 (2d ed. 1966)). As the rocker 20 is swung downward, the roller 23 rolls along the surface of the first lever 24 such that a first pressure is applied to the shaft 19 at location 32. This first pressure is recognized when engaging the reverse gear.

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Fig. 4 shows the arrangement of Fig. 3 with the addition of the second lever 25. The second lever 25 is rotatably coupled to the first lever 24 at a point 30 and pivotable about pivot point 29. This arrangement is used in the shift gate 10 when shifting into the "fünften und sechsten Gang" (see column 2, lines 36-37 and column 4, lines 4-5) or the fifth and sixth gear. As the rocker 20 is swung upward, the roller 23 rolls along the surface of second lever 25 to a location 33 where the second lever 25 pivots about 29. The rotational connection 30 between the second and the first levers 25, 24, in combination with the communication between the first lever 24 and the spring 42, cause a second pressure to be applied to the shaft 19. This second pressure is recognized when shifting in the shift gate 10 to either the fifth or sixth gear.

Fig. 5 shows the arrangement of Fig. 4 with the addition of the third lever 26. The third lever 26 is rotatably coupled to the second lever 25 at point 31 and pivots about pivot point 43. The arrangement in Fig. 5 is shown in the "neutral-stellung" (see column 2, lines 38-39) or neutral position (*id.* pg. 953) when shifting in the shift gate 9 to the "dritten und vierten Gang" or third and fourth gear. The rocker 20 is slid downward (in the direction of arrow 41) when shifting the shift gate 8 to the "ersten und zweiten Gang" or the first and second gear. When shifting from the neutral position, the third lever 26 pivots about its pivot point 43, which causes the second lever 25 to pivot about its pivot point 29, which finally causes the first lever 24 and the spring to apply a third pressure on the shaft 19. This third pressure is recognized when shifting in the shift gate 8 to either the first or second gear.

In distinct contrast, the shifting assembly of the application has a shifting shaft 2 that is axially displaceable and rotatably supported in a transmission. One or a pair of roller arms 4 are supported by the shifting shaft 2 at one end, such that the roller arms 4 move with the shifting shaft 2. The two roller arms 4 extend from the shifting shaft 2 and engage, at their ends opposite, with a rod 6 which supports a cylinder 8.

The shifting assembly further includes a single lever 16—not three shift levers as with Wagner '171—that is fixed at one end to rotate about a pivot axis 14. A spring 18 is coupled between the transmission housing 12 and the opposite end of the single lever 16. The spring 18 is arranged to bias the single lever 16 into engagement with the cylinder 8. The side of the single lever 16 which is biased to engage with the cylinder 8 has an irregular contoured edge 20. According to the presently claimed invention, the arm(s) 4 and the rod 6 and the cylinder 8 are all located between the lever 16 and the shifting shaft 2. According to Wagner '171, the levers 24, 25, 26 are located between the shifting shaft and the roller 23.

During use, since the single lever 16 is biased against the cylinder 8, the irregular contoured edge 20 provides differing levels of stress to the cylinder 8 and the shifting shaft 2 as

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the cylinder 8 rolls along the contoured edge 20 which can be felt by a driver as the driver shifts. The irregular contoured edge is formed so as to correspond to a desired shift pattern, for example, engaging a reverse gear will result in one level of stress on the shifting shaft while shifting into first or second gear will result in a different level of stress, etc.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, each of the independent claims of this application now recite the features of "the spring (18) biases the lever (16) toward both the cylinder (8) and the shifting shaft (2)" while claim 12 further recites that "the single lever (16) having a contoured edge (20) which faces the shifting shaft (2) and mating engages with the groove (10) of the cylinder (8) to facilitate rolling of the cylinder (8) along the contoured edge (20) during a shifting operation; and a spring (18) biases the contoured edge (20) of the lever (16) toward both the cylinder (8) and the shifting shaft (2) such that the the contoured edge (20) engages with the cylinder (8) and, as the shifting shaft (2) rotates, the groove (10) of the cylinder (8) rolls along the contoured edge (20) so that a variation in forces are applied to the shifting shaft (2) which are sensed by a driver operating the shifting assembly" (Emphasis added). Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

In view of the above, it is respectfully submitted that the teachings and disclosures of Wagner '171 are distinctly different from the presently claimed invention and the presently claimed shifting assembly application is distinctly different from and patentable over the Wagner '171 reference. Accordingly, the raised rejection in view of Wagner '171 should be withdrawn at this time.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Wagner '171 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant

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respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejections should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Michael J. Bujold, Reg. No. 32,018
Customer No. 020210
Davis Bujold & Daniels, P.L.L.C.
112 Pleasant Street
Concord, NH 03301-2931
Telephone 603-226-7490
Facsimile 603-226-7499
E-mail: patent@davisandbujold.com

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